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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 August 1991, at 10 a.m.

Chairman: Mr. JOINET

later: Mr. HELLER

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The meeting was called to order at 10.15 a.m.

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 13) (E/CN.4/1991/56; E/CN.4/Sub.2/1989/32) (continued)

1. Mrs. FARHI (International Council of Jewish Women) noted that it had not yet been possible to make a specific analysis of the new situation arising from the changes that had taken place in Central and Eastern Europe and the end of communism. There had certainly been improvements, but the old demons were re-emerging. Almost no country in the former Soviet bloc seemed to be able to resist the temptation of nationalism imbued with xenophobia and religious intolerance. The feeling of individual and collective oppression produced by the totalitarian State was now being replaced by recovered memories and national pride. The kind of message conveyed by the Russian ultra-conservative Pamiat movement was to be found in almost all the countries of Eastern and Central Europe to a greater or lesser extent, as well as among a section of the population of some Western democracies, where movements of the extreme right had recently assumed disturbing proportions. That kind of nationalism did not exist in Africa.

2. Nationalism accompanied by such unacceptable phenomena as xenophobia, the rejection of others, and religious intolerance was based on the idea that the national identity was determined primarily by race, language, geography and religion. As far as the latter was concerned, it was not the content of a religion that mattered, but the image formed of its followers as a group, an image that was quite often based on ignorance, prejudice and defamation.

3. The resurgence of anti-semitism was a very disturbing problem, especially in Central and Eastern Europe. In the USSR, Poland and Romania the forms which it took were the old obscurantist forms of the past. Nothing had changed. The vocabulary was the same and Jews were made to be the scapegoats for all the ills of society. The view that the Jews were a group of demons plotting against the nation and its values, and even against all Western nations and even the whole world, seemed to be becoming common in a certain conservative section of the Russian press, where it went unpunished. Anti-Semitic feelings were also to be found among the authorities. In short, the anti-Semitism, called "anti-zionism", of the communist regime had been replaced by the anti-Semitism of the tsarist days, with its fables about the world Jewish plot being expressed in absolute freedom.

4. The world situation with regard to intolerance based on religion or belief was such as to require the preparation of a convention on the subject. The in-depth reflection that would certainly result could only be of benefit for the progressive eradication or, at least, the reduction of the phenomenon. For that, however, political will would be needed.

5. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) noted that the reports submitted by Mr. d'Almeida Ribeiro to the Commission on Human Rights showed the persistence of attitudes of intolerance in the world, and sometimes even an upsurge of new and more subtle forms of intolerance in countries which had seemed to be free from the problem. His

organization was particularly concerned by the matter because, as Mr. van Boven had pointed out in his 1989 report to the Sub-Commission (E/CN.4/Sub.2/1989/32), some of the provisions concerning the elimination of intolerance based on religion related to the right of parents to bring up their children in accordance with the religion or belief of their choice.

6. Tolerance was a difficult attitude which sometimes required a laborious apprenticeship. As Livingstone had stated, true tolerance was often painful, and indifference was only false tolerance. True tolerance required self-discipline and deep respect for other people.

7. First of all, tolerance must not be confused with indifference, which was a negative attitude of disinterest. Unfortunately, educating people to be tolerant was often transformed into educating them to be indifferent. That was an easy solution but it led to a strengthening of intolerance in extremist groups. A tolerant person must respect other people while having his own convictions. Otherwise, tolerance was meaningless.

8. The ideologies which had identified tolerance with indifference had also postulated, in order to justify their view of the world, that religions and strong beliefs always comprised an element of intolerance. That was unfounded and, as Mrs. Benito had stated in her report on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/Sub.2/1987/26), piety really masked prejudices which intrinsically had nothing to do with religion: antipathy and hostility were caused by historical, socio-cultural or physical factors. Religion was not the corner-stone of discrimination. On the contrary, the teachings of a given religion were deformed and interpreted in such a way as to excuse prejudices. The sacred texts of the various religions contained many passages appealing for tolerance.

9. Therefore, in educating people to be tolerant two rights must be equally respected: the right to hold beliefs or to have a religion, and the right of others to have their beliefs respected. Many contemporary educational systems all too often confused educating people to be tolerant with indifference towards beliefs, which was not satisfactory from the standpoint of human rights. How could it be claimed that a person became tolerant if the educational system endeavoured to make him understand that his religion or belief was of no or little value? Inevitably there would be a reaction of rejection and a feeling of being disregarded, which would degenerate into fundamentalism, intolerance and even violence. Consequently, in order to educate people to be truly tolerant, it was essential to enlarge substantially the freedom of education. The State must promote the establishment of educational centres which allowed tolerance even with regard to what was false and unjust. That required an educational pluralism within the State system and among State and private schools and the possibility of choosing a school among several alternatives having characteristics based on different religions and beliefs.

10. Mr. LITTMAN (World Union for Progressive Judaism), after drawing attention to the message delivered by Father Marcel Dubois of Jerusalem to the Commission on Human Rights on 19 February 1991, said that since the

United Nations was the home of the Universal Declaration of Human Rights, it would seem to follow that United Nations organs, representatives of member States, accredited observers and other participants in United Nations proceedings should respect the international legal principle proscribing incitement to national, racial, ethnic or religious hatred. It might be expected that a United Nations body dedicated to denouncing human rights violations worldwide would oblige all representatives to comply with what was laid down in the International Covenants and regularly proclaimed at United Nations forums. Yet that was still not the norm. One recent example of religious intolerance mascarading under its habitual garb undoubtedly concerned the Sub-Commission. Five weeks previously Mr. Ballesteros had denounced an "event" that had marred the last session of the Commission, referring to an incitement to prejudice, intolerance and violence which deserved unequivocal condemnation and rejection. The acknowledgement by the Chairman of the Commission had come five months after the "event" itself, following considerable pressure from States and non-governmental organizations. The "event" had occurred in the Commission on 8 February 1991 when the representative of Syria had revived the 1840 "Damascus Affair" - the notorious blood-libel accusation against the Jewish people and Judaism - by urging all members of the Commission to read a very important work that demonstrated unequivocally the historical reality of zionist racism. The statement had been published as an official United Nations document (E/CN.4/1991/80) at the request of the Permanent Mission of Syria.

11. The book held up as "proof" was an Arabic translation of a squalid nineteenth century anti-Semitic tract, prefaced in 1983 by Syria's long-time Minister of Defence. Two passages translated from the preface should permit experts and observers alike to taste the flavour of that anti-Semitic morsel, recommended to the Commission as "historical reality" and beamed to Arab countries for educational and home entertainment purposes by the Syrian Government radio. One passage read: "Here opens before us a page even more ugly than the crime itself: the religious beliefs of the Jews and the destructive perversions they contain, which draw their orientation from a dark hate towards all humankind and all religions". The second passage read: "Damascus was shaken by a heinous crime. Father Thomas Al-Kabaushi fell victim to the Jewish community, who wanted to extract his blood for the manufacture of festival unleavened bread ...". The reference was obviously to the Passover meal.

12. How all that gibberish could be related to "zionism" was anyone's guess, but it could not be tolerated in any civilized society or forum, which obviously included the United Nations. Surely a consensus could be found at the current session of the Sub-Commission to adopt a resolution condemning that particular incitement, as well as any similar future incitements, to hatred and religious intolerance in United Nations bodies? Otherwise, similar libels against religions or ethnic groups might follow.

13. Syria's attitude towards its Jewish minority was well known. At the Sub-Commission's forty-second session, Mrs. Palley had drawn attention to the plight of Jewish women in Syria and had urged the representative of Syria to indicate when they would be permitted to emigrate. One year had gone by and the Jewish religious community in Syria remained a hostage minority. A small

number of persons had been allowed to leave discreetly, but recently more individuals had been imprisoned for attempting to flee the country without authorization. About 200 single Jewish women were still retained against their will. At the present crucial moment for the Middle East, a firm resolution by the Sub-Commission requesting the Government of Syria to let the Jews go would certainly contribute to the positive momentum in the region towards reconciliation and an eventual comprehensive peace settlement through negotiations between all the parties.

14. A disturbing religious aspect of the Lebanese hostage drama, now hopefully drawing to a close, was the case of the 11 Jewish hostages being treated as non-persons totally forgotten by all. Since 1986 he had raised their plight on many occasions in both the Commission and the Sub-Commission, naming and describing all those who had been abducted by an Islamic terror group bearing the mediatic pseudonym "Organization of the Oppressed on Earth". Between late December 1986 and June 1987 that gang had announced the execution of 9 out of the 11 Jewish hostages, but only 4 bodies had ever been recovered. Voices were now being raised from all sides to free all the hostages. There was no reason why Jews should be excluded from that call. President Assad of Syria would have the final say as to whether "all" meant "all" or simply "all except Jews". There again the Sub-Commission might make its persuasive voice heard through the adoption of a global "hostage" resolution. Those who executed in the name of Allah or refused to account for those they had abducted, or even to return dead bodies, should bear in mind the words attributed by Baladhuri to the Prophet Mohammad: "He who does wrong to a Jew or a Christian will have me as his accuser on the day of the Last Judgement".

15. Mr. VITTORI (Pax Christi) said that for Pax Christi, an international Catholic movement for peace, freedom of religion was among the most important human rights. In the Universal Declaration of Human Rights it had been defined as the right to freedom of thought, conscience and religion, including freedom to change one's religion or belief and to manifest one's religion or belief. Pax Christi fully agreed with Pope John Paul II that intolerance was a serious threat to peace.

16. Pax Christi had therefore followed with interest, but often with distress, the developments in Eastern Europe, in certain countries of Africa, and in China. It had observed with joy and relief the recent decisions on religious liberalization announced in the USSR and in several countries of Eastern Europe, especially Albania, where the situation had been particularly dramatic for more than 40 years for the members of the three main religions that had previously been practised freely there. Everything, of course, was not yet perfect: the Uniates in Eastern Europe, for instance, were having enormous difficulties in recovering their places of worship, despite the promises made by the civil and religious authorities since the Uniate Church had been able to emerge from its long period of clandestinity.

17. In other parts of the world, certain Islamic countries could hardly be said to be implementing article 18 of the Universal Declaration of Human Rights, which also included freedom to change one's religion or belief and freedom to manifest one's religion or belief, alone or in community with

others, in teaching, practice, worship and observance. To mention only one recent example, many Christian soldiers based in the territory of an Islamic country which they had come to protect had had to efface the cross on their ambulances and had not been able to celebrate openly and in dignity Christmas day in 1990. Moreover, in that country many migrant workers had never been authorized to practise their religion collectively unless it was that of the reigning feudal regime. In Asia, China was now allowing certain churches to open and was releasing certain religious leaders who had been in prison for many years for their religious convictions. That was encouraging, but still not enough. Regrettably, a bishop had been imprisoned in the spring of 1991. Also, many Tibetan buddhists were waiting for their personal, as well as their religious, freedom.

18. There were sporadic manifestations of anti-Semitism everywhere in Europe, which Pax Christi strongly condemned. Religious intolerance was often involved in cases of racism. It was to be hoped that Jerusalem would soon become the reference point for fraternal coexistence between the three great monotheistic religions.

19. Fortunately, however, freedom of religion was increasing. Pax Christi therefore wished to suggest that an internal surveillance system for the right to that freedom be set up by all Governments, under United Nations control. The legal basis for it was to be found in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Governments could be invited to establish, within their frontiers, standing committees on freedom of religion with which representatives of the major religions in the country would be associated. The committees should have a link with the Human Rights Committee, which should continue its periodic consideration of the reports submitted by States parties and to make appropriate recommendations, particularly in cases where religious intolerance was imposed by the State itself. The Centre for Human Rights, with its extensive experience, was certainly capable of implementing that suggestion.

20. Mr. KALKE (International Association against Torture) said that his Association considered that much work remained to be done in guaranteeing freedom of religion in so far as it affected the political, economic, cultural and social life of a given country or region. It therefore supported Mr. van Boven's call for a conference on the relationship between religious rights and other human rights instruments. The experience of his Association's national sections throughout the Americas would suggest that there was a clear policy of persecution directed against those religious leaders who worked with the poor and the exploited in their efforts to realize their human rights. A number of Governments in the Americas were implementing a policy designed to neutralize, isolate or eliminate religious leaders whose message ran contrary to the discrimination and oppression to which national minorities and the poor were subjected.

21. It was no secret that since the early 1960s the domestic and foreign policy of the United States of America had been built on a cold war mentality with anti-communism as one of its clearly visible characteristics. As that

policy had taken shape, assumptions equating working with the poor and working against racial discrimination as communist had been made at the highest levels. The role of the State in harassing religious leaders in the United States for their involvement in movements for social change was an historical fact. The harassment and assassination of Malcolm X and Dr. Martin Luther King were examples. The role of the State in infiltrating the churches that had been involved in providing sanctuary for Latin American refugees during the past decade was also a fact.

22. The policy was not, however, confined to the United States of America. It had been developed by the American armies and was now being implemented throughout the continent, as was shown by certain publications that had appeared in the United States and by the Banzer plan in Bolivia, under which Christians active in causes for social justice were to be isolated, slandered and, if necessary, assassinated. The evidence of persecution of the church in the Americas suggested that the acts of persecution involved were not isolated instances but represented the internationalization of a domestic policy based on racism, discrimination and anti-communism. For example, as a result of the role played by religious forces in the overthrow of the dictators in Iran and Nicaragua in the late 1970s, President Reagan had issued an executive order reversing a previous order which had made it illegal for the intelligence forces of the United States Government to use religious missionaries and institutions in their work. That was a clear intervention in the internal affairs of religious institutions, contradicting in practice information made available to the Special Rapporteur by the United States Government indicating a separation of Church and State.

23. In 1980, in El Salvador, Archbishop Oscar Romero had been assassinated while celebrating mass. The authors of that crime had never been arrested or tried; some would suggest that they were the leaders of the political party ARENA, now in power in El Salvador. Those responsible for the extra-judicial execution of six Jesuits, their cook and her daughter in November 1989, mentioned in Mr. d'Almeida Ribeiro's report (E/CN.4/1991/56), had not been brought to justice, and the administration of which had been hindered more than once in the case. The International Association against Torture believed that the assassinations of those six Jesuits, who had been key religious leaders working with human rights organizations throughout El Salvador and the region, was a clear attack on the church of the poor in its involvement with the promotion of human rights.

24. Death squads continued to operate in El Salvador. During July 1991 the President of the International Association against Torture, Lutheran Bishop Medardo Gomez, had again been threatened with death. The Special Rapporteur and the members of the Sub-Commission should demand that the Government of El Salvador cease its attacks on religious leaders.

25. In October 1983 the United States had invaded Grenada. One of the reasons given was to protect the lives of United States citizens; yet in September 1983, a United States citizen, the Jesuit priest James Carney, was detained, tortured and assassinated in Honduras, and eyewitness accounts obtained by the Carney family suggested that United States military forces were involved in his capture and that CIA personnel had been present during

his torture and were aware of his assassination. All documents bearing on the case had been classified by the United States Government for security reasons.

26. On 21 July 1991, a matter of days before the National Section of the International Association against Torture was to hold a human rights assembly, its representative had been shot dead in Honduras. Mr. Lopez Hernandez, whose brother had disappeared in Honduras in the early 1980s, had not been able to accept the invitation to testify before the Working Group on Enforced and Involuntary Disappearances in June 1990 because the United States Government had denied him a visa to come to New York for one day to give his testimony. The reason given was that he was a poor, unemployed person unable to substantiate a legitimate reason to return to Honduras, where his mother, two brothers, wife and two sons resided. The International Association against Torture believed that the real reason went beyond that bureaucratic excuse and constituted a direct interference in the procedures of the Working Group and the life of a defender of human rights.

27. It also believed that the persecution of sectors of the church in the Americas was particularly alarming within the framework of the so-called "New World Order". The problem could not be limited to the practices of just one Government; yet the convergence of practices and ideological premises in a number of documents suggested a regional coordination of the strategy to persecute religious workers. His organization therefore requested the Special Rapporteur to give special attention to the persecution of the church and of religious practice in the Americas as a region, and to examine the evidence concerning that church which had identified with the poor, the oppressed, the indigenous and the victims of racism and the exploited in their struggle for human rights.

28. The late Dr. Martin Luther King had had a dream for poor people; Malcolm X had had a vision for what he defined as the Black Nation within the United States. Archbishop Romero had called for an end to fraternal violence and had pleaded with the United States to stop military aid to the Salvadoran Government. Father Carney had identified with the peasants in their search for land on which they could grow food. Mr. Lopez Hernandez had been committed to defending human rights, and to basic education about the human rights guaranteed by the various United Nations instruments. All those leaders had been isolated and eliminated; yet the work of their communities went on. The Sub-Commission should identify strategies to protect those people for whom they had given their lives and whose basic human rights were still denied.

29. Mr. CHAMMARI (International Federation of Human Rights) recalled that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been the result of a long process to which the Sub-Commission had decisively contributed. To be sure, the elimination of all forms of discrimination based on religion or belief directly concerned the provisions on freedom and the practice of religion or belief in articles 1 and 6 of the 1981 Declaration; it also concerned the possible "use of religion or belief for ends inconsistent with the Charter, other relevant instruments of the United Nations and the purposes and

principles of the present Declaration". In that regard he drew the Sub-Commission's attention to the question of the Shariah, which seemed essential for the future of the protection of human rights in Islamic societies and countries.

30. Manifestations of intolerance and religious discrimination were obviously not specific to individuals, groups or States that drew on a particular idea of Islam. All religions were affected by the phenomenon. Such manifestations as the extremism or religious fanaticism of private groups or government practices inspired by certain ideas of Christianity, of Judaism (notably in the Palestinian and occupied Arab territories), of Islam, of Hinduism or of any other religion, were to be condemned; and the International Federation of Human Rights had many times taken a firm stand on them. It had been very concerned at some aspects of the debate following the report recently presented by the Sudanese Government to the Human Rights Committee, and it drew attention to the conclusions reached by the two missions of inquiry and observation carried out on its behalf in Pakistan from 24 to 27 October 1990 and from 20 to 27 May 1991.

31. In Tunis, Cairo, Algiers, and Rabat, human rights organizations, and particularly the International Federation of Human Rights and the organizations affiliated to it, had consistently assisted in court activists of Islamic groups indicted for their beliefs and political affiliations. They had done so in accordance with their calling which consisted of defending the human rights of every individual and citizen including those of whose ideas they might in other respects disapprove. Indeed his organization rejected the idea that persons should be put on trial for the fact of their affiliations or convictions, they should be tried only for proved acts that were against the law.

32. Finally, they were aware that, especially, in the Western countries socio-economic conditions, memories of the past and the rejection of difference had produced phenomena arising from emotional reactions and fantasies, which strengthened xenophobic and racist behaviour, in particular with regard to Islam.

33. His Federation and its affiliates had constantly warned against those trends and the mixure of ideas that nourished them. Respectful of Muslim law as of all religions, they were engaged in continuous struggle against such discriminatory manifestations. However they had observed that, at the same time, manifestations and practices of religious intolerance and fanaticism gave a distorted image of Islam, strengthening those reflexes of fear and rejection which his Federation most energetically rejected.

34. There had always been confusion between Islam as a religion and traditional Muslim law, one being presented as an integral part of the other. Nevertheless a number of eminent Muslim specialists had proved that Muslim law, elaborated by Muslim jurists during the three first centuries of the hegira, had only tenuous links with Islam as a religion. Muslim law was above all a product of history, a law on which Muslims could draw and which explained some contemporary rules, but which essentially had to adjust to the requirements of the age, to contemporary legal concepts and to international

legal instruments elaborated in long and laborious dialogues, ending in an inter-cultural legal consensus. That consensus, applied effectively and going beyond the conception of double standards which unfortunately still prevailed, constituted the point of reference for human rights campaigners. What really was at stake was to bring local positive law into line with the provisions of international legal instruments.

35. In that perspective the Tunisian League of Human Rights had adopted in 1985 a "Charter" which proclaimed in its preamble that the League drew in its ideas on the liberating principles in the values of Arab-Muslim civilization and on the universal aspiration to the protection of the human rights laid down in the international human rights declarations and conventions in the political, economic, social and cultural spheres. Article 9 of the Charter declared that every one was entitled to freedom of thought and conscience.

36. That right implied the free choice of religion or beliefs and freedom in their interpretation ("ijtihad"). The concept of "ijtihad" constituted the indispensable effort of interpretation and innovation called for by the Koran since there was no centralizing individual or collegial interpretative authority in Islam: the interpretation of the sources of law was not carried out by a single religious authority. Islamic legal theory recognized four official sources: the Koran, of course; the "Sunna" of the Prophet, the narratives concerning the Prophet's conduct and the sayings (hadith) attributed to him; the consensus of scholars (ijmâ); and analogical reasoning (qiyas). That complex system of references was based all the more on the key concept of ijtihad in that only a very small number of hadith had been unanimously authenticated and accepted.

37. For human rights activists in Islamic countries the daily combat had to be waged against arbitrary acts and repression, but also, against all forms of archaism, exclusion, fanaticism or intolerance. That involved the rights of women, the status of the individual, the rights of the child, the problem of freedom of opinion and conscience, corporal punishment and the rights of religious, ethnic and linguistic minorities. He stressed that the strict application of the Shariah constituted the main demand of the most dogmatic and intransigent private and governmental fundamentalists.

38. Mr Heller took the Chair.

39. Mr. BENHIMA (Observer for Morocco) said that secularism in Muslim States could not be considered as a stand taken against religion and that conversely the adoption of Islam as a State religion could not be considered as a rejection of secularism.

40. He recognized that most of those who called for the Shariah understood it as the application of religious sanctions in criminal matters; however, other areas of law could have a legal existence independent of the law proceeding from religious tradition. At the present stage, the religious freedom of all citizens had to be emphasized, as a salutary confessional balance.

41. However, the idea sometimes occurred to Muslim jurists that law and social morality should be associated, and that a State constituted on principles drawn from the Koran and the Sunna remained a supra-national and ideal State. Further, one might ask whether the legislation of some Muslim States, locked in a particularist regional context, was not in contradiction with the desire to re-establish the Oumma, the Muslim nation-State.

42. In his country, religious freedom derived from the express provisions of the Constitution, which stipulated in article 6 that the State guaranteed respect for freedom of worship. That freedom was confirmed in the Code of Public Freedoms in 1958 and in the Penal Code.

43. Morocco, a State based on the rule of law considered religious freedom to be an attainment of civilization, a necessary condition for the full development and fulfilment of the human person; and it therefore enjoyed threefold protection. Religious freedom in Morocco had to be understood in its three aspects of belief, conscience and worship. Since the seventh century, Islam had been the religion of almost all Moroccon citizens, united in the same orthodox malekite rite. Since that time there had been perfect symbiosis with the Hebraic religious minority, the only one existing at the time Islam made its appearance in the West.

44. With the advent of the Almohade dynasty, despite its Islamic purism, contacts had been made with Christianity at the highest level in Rome. During the Protectorate, religious freedom continued to benefit from the traditional tolerance, solidly rooted in Moroccan custom.

45. Since independence, an overall Muslim infrastructure that prohibited proselytism, religious freedom had been guaranteed.

46. Offences against religious freedom, demonstrations or acts of disorder committed during worship and the desecration of graves, were considered serious infringements of public order and severely punished. Thus, whatever the religious affiliation of an individual, the coherence of the legal order demanded that he should not be subjected to any form of discrimination, and that, instead, in the interests of society and of the respect for the law, he should be able to demand respect for his national identity and religious specificity. Thus, in a spirit of tolerance, Christians and Jews were not subject to Koranic food requirements. Another sign of tolerance in civil affairs was to be found in the provisions of the Code of Obligations and Contracts, which were more restrictive with regard to Muslims. All those concerns of detail were aimed at reconciling social constraints with the need to respect the coexistence of several autonomous and recognized religious communities.

47. Jews had lived in Morocco long before the advent of Islam, and even before Christianity, in well organized communities which were joined by many families expelled from the Iberian peninsula at the time of the Inquisition and who had found asylum and protection and benefited from all the conditions allowing them to carry on agricultural, business and craft activities in their adopted country. Their life among the local population was marked by assimilation in dress, by the adoption of the Arab language, Arab customs and

by a way of life identical with that of their Muslim fellow-citizens. They lived under the direct protection of the central Government. Everyone would remember the courageous stand taken by Mohamed V in 1942, and his refusal to apply the anti-Jewish laws in Morocco.

48. Since independence, broad autonomy had been granted to Jewish citizens and their rabbis in personal status and rights of inheritance, as well as with regard to religious worship, holy days, the settlement of differences by arbitration, the reception of foreign religious figures, the disposal of collected funds, and Hebrew teaching establishments. They had their own courts for applying the laws inherited from the Hebrew tradition. The Moroccan Jewish community provided the State with illustrious ministers, parliamentarians, mayors, judges and civil servants. The Jews of Morocco remained Moroccan citizens permanently under the perpetual allegiance deriving from the Treaty of Madrid of 1880, but had to choose between loyalty to their country of birth or to another environment.

49. Many foreigners might have a mistaken idea of Christianity in Morocco. Since the fifteenth century, the Franciscans had been able to organize a chaplaincy in Morocco for their resident confreres. In the nineteenth century the Catholic Church had founded a prefecture, replaced by an Apostolic Vicariat in 1923. Tangiers and Rabat became archbishoprics in 1955. At present, there were two dioceses in Morocco administered by Franciscan archbishops. That tradition of close relationship between the Moroccan Muslim community and the Christianity of Western Europe had been marked by two important events: the visit of the King to John Paul II in 1982, and that of his Holiness John Paul II to Casablanca, where he had been welcomed by 100,000 young Muslim Moroccans. A royal message of 1983 recognized the freedom of the Catholic church to carry out its activities in the cultural, jurisdictional and educational spheres. Places of worship, churches and cathedrals, were exempt from tax. Monks could give assistance to prisoners.

50. Morocco a country on the frontiers of Europe, remained a State where complete tolerance prevailed, laid down by the law and desired by the population. Three major religions, Islam, Judaism and Christianity lived side by side. Moroccan citizens of the Jewish faith enjoyed the same civil, political, economic, social and cultural rights as did citizens of the Muslim faith. Furthermore, the Moroccan Nationality Code of 6 September 1958 gave a privileged status to a foreigner taking Moroccan nationality. Religious freedom, like other public freedoms, formed a material used by Morocco to build a modern State, on foundations of justice and equality, which could not be achieved without that union of the lofty values of each religion.

51. Mrs. MINHINNICK (Women's International League for Peace and Freedom), speaking on behalf of the Ngaati Te Ata Nation, said that its beliefs with respect to sacred places were not unlike those of other Maori or indeed other indigenous peoples. Its burial grounds at Maoro, Waiuku, were sacred. The New Zealand Government had confiscated the lands in 1863 under the New Zealand Settlement Act. Four blocks had later been returned under Crown Grants and taken away again in 1959 under the Public Works Act. In 1966 a mining licence had been issued to New Zealand Steel Ltd, which had proceeded to mine for iron ore on the Ngaati Te Ata Nation's sacred burial grounds. In 1989 that company

had been sold to a multinational group. In 1990 human remains had been uncovered during the mining and six people had been arrested while trying to protect the TAPU or sacred ceremony from such an act of intolerance and discrimination against the Ngaati Te Ata Nation's cultural and spiritual beliefs.

52. The intrusion continued. In 1990 the Government had promised to return the sacred lands without encumbrances, but the new company had obtained an injunction against the Government which would give the company millions of dollars of payout. It would still have the right to mine, and the Maoris would have to go through a reinterment procedure in the event of further remains being unearthed. Her people had declined the Government offer, made in June 1991, of a sum of "goodwill money": they simply wanted their sacred burial lands returned unencumbered. What they sought was the elimination of all forms of intolerance and discrimination against their beliefs, especially by a Government which prided itself on its international image.

53. Through the restructuring of the Local Government Act, the regional Government had gained massive powers over the Manukau Harbour another part of the Ngaati Te Ata Nation's tribal lands. Like the central Government, the regional Government also promoted intolerance and discrimination; it ignored her people's pleas to remove sewage, toxic and hazardous waste discharges from waterways, harbours and rivers, depriving them of their sustenance and traditional foods. The Auckland Regional Council's response, had been simply to move the discharge pipeline from one area of Manukau Harbour to another. Having ecologically, culturally and spiritually violated and destroyed one area, the Government legalized its right to abuse another.

54. The New Zealand Government protected New Zealanders and foreign investors who lived on confiscated lands, while her people's cultural and spiritual beliefs, based on their indisputable ties with the lands, remained unrecognized: even the Treaty of Waitangi, which guaranteed protection of those lands, had been ignored. The New Zealand Government had to eliminate all forms of intolerance and discrimination against her people's cultural and spiritual beliefs. The Ngaati Te Ata Nation further sought recognition of its cultural and spiritual beliefs through the return to it of all Maori artefacts and cultural properties held in other countries, including those in Geneva.

55. Mr. WADLOW (International Fellowship of Reconciliation) recalled that his organization had participated in the process leading to the drafting of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It noted that in his working paper (E/CN.4/Sub.2/1989/32), Mr. Van Boven had asked whether the existing methods of monitoring compliance with the Declaration were adequate and whether additional instruments were needed. His organization did not at that time wish to discuss possible additional instruments but would prefer to consider current methods of monitoring the cases brought before the Commission on Human Rights, the Sub-Commission or the Working Group on Indigenous Populations. The three cases were: Tibet and China; the Chittagong Hill Tract Area of Bangladesh; and the situation in Myanmar. The Tibetan case and the Chittagong Hill Tracts case had first been raised in 1984; Myanmar had been raised in 1990 when the Fellowship of Reconciliation had led in presenting a joint statement to the Commission.

56. Mr. d'Almeida Ribeiro's summary of the religious situation in Tibet (E/CN.4/1991/56, paras. 46-51) was a faithful reflection of interviews with monks and nuns who had recently left Tibet and reports by sociologists and visitors. It showed a clear and consistent pattern of repression. His organization had begun monitoring the situation in Tibet from a distance in 1982-1983; unfortunately, that situation had not improved. Owing to the Fellowship's network of observers on Tibet, most of the information published by Mr. d'Almeida Ribeiro had been devoted to the situation of Buddhism in that country. That did not mean that all was well in other areas and faiths, but that material on them had not been as systematically submitted as on Tibet.

57. With regard to the human rights situation in China, there were different currents in Chinese politics, from Stalinist to liberal, and the task was undoubtedly to help the liberal and pluralistic tendencies, not by silence but by energetic efforts to stress the universal nature of human rights. Neither the Commission nor the Sub-Commission had called upon the advisory services of the Centre for Human Rights to help the Chinese Government break its repressive cycle of discrimination based on religion or belief.

58. His organization had presented the situation in the Chittagong Hill Tracts to the Working Group on Indigenous Populations in 1984 and 1985, and had raised the issue a number of times in the Commission and the Sub-Commission. Religion was not the only factor involved; land tenure, cultural differences and population pressure all played a role. However, there was a religious factor in the situation. Owing in part to the Fellowship's having raised the issue, the previous Government of Bangladesh had invited a fact-finding mission by parliamentarians, anthropologists and others. The report of the Chittagong Hill Tracts Commission had recently been presented to the Working Group on Indigenous Populations, and a memo highlighting their findings would be sent to the Sub-Commission. The section of the report entitled "Culture and Religion in the Chittagong Hill Tracts" indicated religiously motivated attacks, including those on Buddhist temples and monks.

59. The situation in Myanmar included two main aspects that had to be addressed simultaneously: the need to restore popularly elected government, an effort in which Buddhist monks had played a leading role and had suffered repression from the military-led Government, and the establishment of a representative and federal constitution so that all the peoples of the country could play a full and positive role. The religious factor was important in both those aspects.

60. There had been different degrees of involvement by the United Nations system in monitoring religious liberty situations in the three cases mentioned. Concerning Tibet and China there had been no action of which he was aware, despite the presentation of considerable documentation to the thematic special rapporteurs.

61. Concerning the Chittagong Hill Tracts, concern within the United Nations and the European Parliament had led to the start of fact-finding and contact missions carried out by non-governmental organizations, and to discussions within the International Labour Organisation. His hope was that, as a result

of the report of the independent Chittagong Hill Tract Commission, the Sub-Commission would take action during the current year when there was a popularly elected Government in Bangladesh, which seemed to be willing to make a break with the oppressive policies of the past.

62. In connection with Myanmar, the situation was being studied under the 1503 procedure; a first special rapporteur had made a report, and, following Mrs. Ogata's election as High Commissioner for Refugees, another special rapporteur had been named.

63. On the basis of those three cases, his organization could not reply fully to the questions raised by Mr. van Boven. It was nevertheless convinced that, acting together, the community of human rights workers could advance the cause of human rights throughout the world. The Sub-Commission had a privileged role to play in that effort and non-governmental organizations would contribute to that effort to the extent possible.

64. Mr. KESSEL (Observer for Canada), making a statement equivalent to a right of reply, said that he wished to correct some misstatements of fact by the representative of the International Work Group for Indigenous Affairs.

65. The representative had stated that policies existed in Canada which deprived the children of Mohawk people who followed their traditional beliefs of the right to medical care, education and any other rights that were granted to other Mohawks who might be of Catholic, Protestant or other religious persuasions. That was patently incorrect. The Province of Quebec provided universal health, social and education services. The Government of Canada provided additional services to Indians registered under the Indian Act. There had been no change in services provided by either government since the events at Oka the previous summer.

66. There was an inference in the representative's statement of discrimination attributable to race or religion. That suggestion was without foundation, as any such discriminatory policy would be subject to challenge under the Canadian Charter of Rights and Freedoms and the Quebec Charter on the rights and freedoms of the individual.

67. In 1990, in an attempt to obtain more accurate information, and to ensure conformity with long-established requirements, the Government had begun to examine more closely the documentation being presented for registration under the Indian Act. Whether documentation issued by the traditional Mohawk religion would be acceptable for registration for the purposes of the Indian Act was a matter currently under review.

68. The allegation that services were being withdrawn in retaliation for Mohawk resistance to the development of a golf course on a Mohawk burial ground was without any basis. The Federal Government of Canada had in fact purchased the land in dispute and was holding it in trust for the Mohawk people pending the successful outcome of ongoing negotations. The Federal Government had thereby ensured that there was no threat that the land in question would be turned into a golf course.

69. Mr. EICHER (Observer for the United States of America), making a statement equivalent to a right of reply, said that his Government deeply regretted the comments made by the observer for Cuba during the Sub-Commission's 8th meeting. The observer of Cuba had attacked the United States Government by name with a series of false allegations. Such attacks by one government on another had no place in the Sub-Commission which should be a forum for serious thought and reflection, not a place for governments to attempt to score political points.

70. He did not intend to respond in detail to the false claims made by the Government of Cuba. It was sufficient to reiterate once more his Government's long-standing and determined opposition to the reprehensible policy of apartheid. Further, the lifting of United States sanctions pursuant to the provisions of United States domestic law did not indicate any lessening of its commitment to bringing about the early end of the remaining aspects of apartheid. In conclusion, he would like to reiterate his Government's conviction that a process of irreversible change was under way in South Africa. It was incumbent on all to encourage that change and take constructive action to bring about the common goal, namely, the total eradication of apartheid, rather than engage in meaningless recriminations.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (E/CN.4/Sub.2/1991/14, 15, 46 and 51; E/CN.4/Sub.2/1991/NGO/9; E/CN.4/Sub.2/1990/2; E/CN.4/Sub.2/1989/47, 51 and 55)

71. Mr. KAILAU (Centre for Human Rights), introducing the item, recalled that in 1967 the Commission on Human Rights had requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Commission had invited the Sub-Commission to bring to its attention any situation which it had reasonable cause to believe revealed a consistent pattern of violation of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

72. At its forty-second session, the Sub-Commission had considered under the current item a number of human rights situations in various countries to which reference was made in the annotated agenda contained in document E/CN.4/Sub.2/1991/1/Add.1.

73. By its decision 1989/104, the Sub-Commission had decided to establish, at the beginning of its forty-second session, a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which had been made in order to enable the Sub-Commission to better discharge its responsibilities in

dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter.

74. The Commission on Human Rights, in its resolution 1991/56, had invited the Sub-Commission to instruct its working group to intensify its discussions on reform issues and to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission.

75. Mrs. WARZAZI said that the hopes engendered by the end of the cold war and the emergence of solutions to seemingly intractable armed conflicts in Nicaragua, El Salvador and Cambodia had not yet brought mankind peace and development. The problem of Palestine was still acute. A condemnable invasion had had a tragic impact on the target country, incalculable effects on the developing countries and disastrous repercussions on the economies of other least developed countries as well as on millions of persons who had been subjected to exile, summary execution, forced displacement and sudden ruin and poverty. Millions of children and adults continued to suffer from lack of medical care and basic food supplies. In addition, the world was afflicted by torrential floods, earthquakes, volcanic eruptions, cholera, AIDS, terrorism, civil war and rising unemployment and criminality. It was against that background that the situation of human rights in the world had to be considered.

76. The end of the cold war had raised the hopes of suffering people everywhere and had led to a wave of democratic claims, unfortunately often accompanied by violence. Full democracy could not be achieved overnight. Ideologies competing with modern liberalism must also be guarded against.

77. The consolidation of democracy needed a worthy model. Unfortunately there were many cases of double standards. It was easy to understand the anger of the Palestinian people at the treatment meted out to them after they had been promised a new world order.

78. She wished to pay a particular tribute to the non-governmental organizations whose work, based as it was on sincere motivation, should be encouraged. When peoples were unable to have recourse to the institutions responsible for the defence of human rights, the non-governmental organizations had a crucial role to play in that they could alert world public opinion and thus become the champion and spokesman of oppressed peoples.

79. In cases where national institutions responded to the needs and wishes of the population consistent with the recommendations of the General Assembly, close cooperation between national and international organizations was possible. The secret of the success of such non-governmental organizations lay in the creation of a climate of confidence which would enable Governments to accept and study complaints and, where justified, to provide redress. National non-governmental organizations completely independent of the state should be given maximum assistance through the advisory services of the Centre for Human Rights and, in particular, the voluntary fund.

80. Progress by Governments in promoting respect for human rights should be given appropriate credit as such action would encourage further progress in the future. By the same token, any regression by Governments should be condemned.

81. Violations of human rights occurred everywhere in the world but it was only violations in third world countries and, until recently, in eastern European countries, which had been singled out for particular criticism. The unjust international economic order was not the fault of the countries of the third world which currently were struggling to pay their debts. True political democracy had little chance of survival without social justice.

82. Events such as the violence perpetrated against migrant workers and the Albanian refugees made it possible to believe, with the French writer Edgar Morin, that there were two kinds of underdevelopment which required treatment, namely: material underdevelopment, which was suffered by the third world, and moral and intellectural underdevelopment, which was universal. The pursuit of purely economic progress could be prejudicial to freedom. Escalating migratory pressures would call for greater restrictions on freedom if the current economic and social disequilibrium was to be preserved.

83. While violence continued to rage in Palestine, it was nevertheless comforting to note that Israeli pacifists were beginning to agitate for peace. If peace and security were to be achieved in the region, a peace conference must lead to the achievement of self-determination for the Palestinian people.

84. Continuing vigilance was essential in the field of human rights. World peace and stability could not be assured while the majority of the peoples of the world continued to be deprived of their most elementary rights.

85. Mr. EIDE said that he agreed with much of what Mrs. Warzazi had said, particularly her reference to the non-governmental organizations.

86. In his view, democracy was a necessary requirement in order to achieve social justice in a climate of cooperation. He therefore considered that the Sub-Commission should adopt a constructive approach to agenda item 6. The Sub-Commission's main purpose was not to denounce Governments but to contribute to the realization of human rights everywhere. For that to happen, it required a proper analysis of the causes and nature of violations and it must also develop a better framework in order to respond constructively to the problems faced by different societies in their quest for the realization of human rights.

87. The basis of the Sub-Commission's work should be cooperation in the promotion and realization of human rights. The Sub-Commission must also recognize the limits and problems of cooperation. In addition, it must examine the relationship between cooperation, criticism and pressure and, on the basis of such an analysis, try to develop components for a possible future comprehensive strategy.

88. On the need for cooperation, Commission on Human Rights resolution 1991/26 could serve as the starting point. Possibilities in that connection had vastly improved since the end of the cold war, for two reasons. The ideological confrontation over the content and priority of human rights had basically disappeared and that development had facilitated the emergence of a common platform in understanding and applying internationally recognized human rights standards. The past motivation of the major Powers to compete for influence in the third world and, in that process, causing exploitation and aggravation of social and political tensions had to some extent given way to an inclination to join hands in search of peaceful, constructive and democratic solutions. He was convinced that, in the long run, that development would facilitate democratic developments within all countries both in the north and in the south.

89. Expanding cooperation in solving human rights problems was already visible in recent experiences in Namibia, Angola, El Salvador, Guatemala, hopefully in Cambodia, and in Equatorial Guinea.

90. The whole gamut of United Nations efforts to bring parties together and develop a plan for the implementation of international standards of human rights was very encouraging. One illustration was to be found in Commission resolution 1991/80 on Equatorial Guinea in which the Commission had called on the Government to implement a plan of action drawn up by the expert on the country and had requested that a report on the implementation of that plan should be submitted to the Commission by the Secretary-General. That development pointed to an important dialogue between a Government and the United Nations in which the Government had agreed to accept and develop a comprehensive plan for the realization of human rights while the Commission was to monitor the degree to which the plan was being implemented. That approach would be more frequent in the future.

91. Development was impossible without social and political peace while social and political peace was impossible without respect for international human rights standards. Those issues would therefore in future be closely intertwined.

92. The Sub-Commission must recognize the problems and limits in connection with cooperation. In situations such as the occupied Palestinian territories, it could not be expected that the occupied population would submit to the rule of the occupier without a struggle.

93. The problem was not only one of violence by a government. In some cases, where the Government was well intentioned, there might be violent opposition groups. In that case some degree of external assistance might prove constructive.

94. The relationship between cooperation, criticism and pressure was important. Governments were composite institutions with several components; some elements might wish to find a reasonable solution to social, political and ethnic problems while others were bent on domination and discrimination. In such cases the Sub-Commission must combine cooperation and pressure. Cooperation must be given to those groups and forces in the country which were

struggling for democracy and social justice; pressure must be exerted on those opposing such a development. The pressure must be strong enough to demonstrate clearly that the benefits deriving from cooperation were greater than those to be obtained from domination and violence. It would be important for the Sub-Commission to learn how to combine those three elements effectively in the future.

95. The Sub-Commission should try to sort out a number of components for a possible future comprehensive strategy. In the field of cooperation, humanitarian assistance must be stressed. Mr. van Boven and himself would submit a working paper on the issue of developing international humanitarian standards under item 4. The Sub-Commission ought to go ahead with efforts to achieve the aim of the Declaration on the Right to Development, namely that the individual must be the subject and not the object of development and that in an international society a partnership must be developed for the realization worldwide of human rights standards; in that struggle Governments must cooperate with non-governmental organizations. In that connection, it was encouraging to note the increase in the number of non-governmental organizations in the third world, particularly groups supportive of indigenous peoples and those active in opposing modern forms of slavery.

96. Mr. PHEKO (Pan Africanist Congress of Azania) said that apartheid was still alive and that racist, colonialist and minority rule continued. Universal suffrage had not been introduced in South Africa, and no democratically elected constituent assembly had been set up to draw up a new constitution, as demanded by the PAC and other political organizations of the oppressed.

97. The Land Act of 1933, consolidated in 1936, was a colonial law enacted to facilitate the economic dependence of Africans on Europeans. Its repeal was meaningless; 67 per cent of African people lived below the poverty line in South Africa and only two per cent could afford to buy land, which in any case was their own, taken from them by force.

98. Apartheid could not be eradicated and colonialism destroyed without the land question being addressed and the glaring economic imbalance redressed. Africans were suffering poverty, underdevelopment, disease, the highest rate of infant mortality and the shortest life expectancy because of that iniquitous imbalance. Throughout its struggle, the PAC had signalled its determination never to be landless, for land was the basis of national independence.

99. The Group Areas Act had also been repealed, but the bill replacing it was equally protective of apartheid. It gave the regime authority to establish an inspection board with the power to inspect premises for so-called overcrowding and to "maintain appropriate norms and standards in any residential area".

100. The regime seemed to be going back even on that so-called repeal. The Cape Town Council had been informed that it could not allocate vacant houses to Africans; that houses built for Europeans must be for Europeans, those for Coloureds for Coloureds, and those for Africans, for Africans.

101. On the question of the cultural sports boycott, the International Olympic Committee had recently announced that South Africa would be readmitted to the Olympic Movement, but the mere fact of signing a document proclaiming the formation of a single national sports body did not end apartheid. Moreover the international sports organizations had not waited to see whether the merger would actually work before lifting the sporting boycott of apartheid South Africa. PAC's position was that there could be no normal sport in an abnormal society. When the South African contingent took part in international sports it would hoist the apartheid flag and sing the racist colonialist anthem.

102. The repeal of certain laws led not to the eradication of apartheid but to its deceptive reform. The solution in South Africa would be found by dealing with fundamental issues leading to irreversible change. In Zimbabwe and Namibia racism and colonialism had first been destroyed and then the reborn nations had taken their place in the comity of nations.

103. He recalled that over a thousand political prisoners, including members of the PAC, were still in jail in South Africa, some serving forty-year sentences.

104. The basis for negotiations in South Africa was the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa (Security Council resolution S-16 of 14 December 1989). That Declaration, adopted by consensus, must not be sacrificed to private agreements between the regime and a section of the liberation movement. The PAC recognized only the United Nations Declaration, and no other agreement made with the regime by any section or individual of the Azanian liberation movement.

105. The PAC demanded that its freedom fighters, members and exiled supporters be given their freedom under the conditions of the United Nations Declaration, and a general amnesty for political prisoners and exiles. It rejected the regime's claim to indemnify the opponents of apartheid and colonialism. The 1973 Convention on the Suppression and Punishment of the Crime of Apartheid had declared apartheid, like genocide and war crimes, a crime against humanity. The PAC strongly supported the view that the victims of apartheid and colonialism in South Africa must be compensated for the political, economic, social, technological and psychological damage done to them.

106. The premature lifting of sanctions encouraged the oppressed to find other means of ending apartheid and colonialism in Azania. The noble struggle for self-determination would continue long after sanctions were lifted. No investments would be safe until the white minority colonialist regime was terminated.

107. The PAC saluted the principled stand taken up by Denmark, the European Parliament, and Black Congress members in the United States on sanctions.

108. The African people, who had shed their blood for the freedom of Europe during the Second World War, would continue their struggle for self-determination to the bitter end, with or without sanctions. If Europe decided to side with the forces of apartheid and was guided by kith and kin politics and economic interests it would be showing its hypocrisy.

109. The people of South Africa were not prepared to enter the twenty-first century still the slaves of alien rule in their own country. South Africa was a colonial creation, based on a statute of 1909 creating the country out of four British colonies. Apartheid was a reflection of the racist colonial policy of the United Kingdom, which had manipulated international law in mineral-rich South Africa. The United Kingdom had smuggled South Africa into the League of Nations in 1920 and into the United Nations in 1945, parading that scandalous act as a process of decolonization. Today the African people were being cheated into dealing with apartheid as the cause of the South African problem, whereas it was a manifestation of a colonial situation deliberately left unresolved for reasons of racism and economic interests.

110. The apologists of Mr. De Klerk would have it believed that he wanted change but that his problem was the unwilling South African army, the intelligence service and disobedient ministers in the Cabinet. That was totally misleading. The truth of the matter was that Mr. De Klerk had rejected majority rule as "simplistic". Like his backers, he wanted minority settler rule to continue in one form or another. His strategy was in conformity with the designs of the Broederbond agreed at many secret meetings.

111. If Mr. De Klerk was serious about eradicating apartheid and destroying colonialism he would have the full support of the dispossessed Africans. Once seen to be on the side of the oppressed, the leaders of other former colonial powers had been welcome and the problems resolved.

112. It seemed that the United Kingdom as a colonial Power might have to resolve the colonial mess. Since the United Kingdom had taken away their country from the Africans, it should restore it to them. Mr. De Klerk was an agent of the oppressors and no oppressor had ever given up power voluntarily.

113. Mr. RAMLAWI (Observer for Palestine) said that in considering item 6 the attention of the Sub-Commission over the last few years had been directed towards violations of human rights and fundamental freedoms in the territories of Palestine occupied by Israel since 1967. The Sub-Commission's interest was reflected in the numerous resolutions it had adopted, equating such violations with war crimes. In addition many other United Nations bodies, specialized agencies and non-governmental organizations, including the ICRC, had condemned those violations and called on Israel to cease its arrests, torture and deportation, and to stop the indiscriminate use of tear gas which had caused women to miscarry.

114. The Palestinian people based their arguments on international instruments such as the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Charter of the United Nations and general principles of international law including the Fourth Geneva Convention. Violations of those instruments by a member of the United Nations constituted a threat to international peace and security. Israel had ignored the resolutions of international bodies condemning its violations of human rights in the territories that it had occupied by armed force since 1967. Israeli forces in Palestine and the occupied territories carried out reprisals against Palestinians, arrested and ill-treated them in an unprecedented manner, as testified in many reports by the United Nations, the International Committee of the Red Cross, Amnesty International and other non-governmental

organizations. The Israeli occupation constituted a violation of the right of the Palestinian people to self-determination and deprived them of their fundamental human rights.

115. Under the current proposals for a settlement of the Middle Eastern conflict, attempts were being made to place the relationship between certain Arab countries and Israel on a normal footing. But a peaceful solution to the long-standing Palestinian problem would not be found through such a short-term process. A solution must be found that was based on international legitimacy, with land restored to its rightful owners, for otherwise the Israeli presence in the occupied lands would merely be consolidated.

116. If the peace process merely supported Israel it would violate the human rights of the Palestinians and circumvent the principles of the Charter of the United Nations and Security Council resolution 242 (1967). It would be awarding a prize to the Israeli occupants and to the United States. Such a process would not be based on international legitimacy but would be an attempt to subvert it. Any solution not based on the principles of international law and the resolutions of the United Nations would not bring about a peaceful solution but merely aggravate the problem, increase reprisals and perhaps even cause regional or international war.

117. The Security Council had recommended the holding of an international conference to settle the Middle Eastern problem with participants from all the countries involved, including Israel, on an equal footing. Since 1983 the General Assembly and the Commission on Human Rights had been trying to adopt such a resolution, which was supported by the Palestine Liberation Organization, as it had confirmed at the General Assembly in 1983. Israel, however, rejected all the resolutions of the Security Council and took no account of the decisions of the international community. Because of the detrimental effects of its policy, the Security Council and the Sub-Commission had attempted to protect the Palestinian people suffering under the yoke of the Israeli forces. That protection had become increasingly necessary as the number of victims continued to grow. Israel had been called upon to abide by the principles of the Fourth Geneva Convention in the occupied territories and to show a responsible attitude, in keeping with its provisions.

118. Mr. VITTORI (Pax Christi International) recalled that some progress had been made to end the wars in Angola and Ethiopia and that there was hope for the end of the armed conflict in Cambodia and Afghanistan and for negotiations in El Salvador and Guatemala if the death squads were put out of action. South Africa had entered into a process that would be irreversible if international pressure was kept up, and there was a possibility of a solution for Cyprus. A ceasefire had been proclaimed as a prelude to a referendum in Western Sahara.

119. An end to armed conflict was not, however, sufficient to ensure respect for human rights, although it was a necessary pre-condition. The Gulf war had tragically demonstrated that war created more problems than it could solve. The aim of that war had not been to restore human rights but to restore independence of a State unjustly and brutally invaded. But independence had been restored not to the people but to a ruler who had no intention of

introducing democracy or human rights. Once national sovereignty had been regained, old scores had been settled and brutal reprisals taken, in particular against Palestinians. With ill-concealed irritation, the United Nations and the coalition countries had been requested not to intervene in such so-called domestic affairs. The war, which had not strengthened the United Nations, had not been fought for human rights, which were thus the major losers.

120. Pope John Paul II, in his Easter address, had said that darkness had progressed in a world which had chosen aggression and the violation of international rights, which tried to solve tensions between peoples by war that brought death in its wake. Peoples from the Baltic to the Mediterranean, and elsewhere, aspiring to respect for their identity and history had raised their voices in vain. Not everything had been done to meet the inexorable threat of famine or to stop wars that were exhausting peoples already living in precarious conditions.

121. Attention continued to be focused on Iraq by the Security Council. It was not impossible that further military operations would be engaged, to finish off a war which was supposed to be surgical and to destroy what the so-called "smart bombs" had missed. Meanwhile drastic sanctions were being maintained without regard for the plight of the civilian population to which the international community had been alerted by Prince Sadruddin Aga Khan, the representative of the United Nations.

122. Pax Christi recommended the fullest possible disarmament and the destruction of all non-conventional weapons, and asked what the Security Council was doing to eliminate such weapons everywhere.

123. It had been said that the United Nations applied double standards. It was bitter to note that the United Nations had been used to justify the war, but today was being impugned for sponsoring a Middle East peace conference. A State that systematically flouted the decisions of the Security Council was opposing that conference and furthermore claiming to contest the right of the people that it oppressed to designate its own representatives. If the members of the Security Council accepted that outrage, was it not because they represented a United Nations of States rather than of peoples?

124. One of the major responsibilities of the non-governmental organizations was to be the voice of those that had no voice. Pax Christi International urged the Sub-Commission to call upon the great Powers to give the United Nations the political and financial means to ensure that international standards were implemented in accordance with a universal rule that must be the same for all, and supported Mr. Ilkahanaf's request for that issue to be discussed under the present agenda item.

125. In that connection, he recalled the various resolutions concerning the annexation of Tibet - on which a written statement had been submitted to the Sub-Commission by Pax Christi - the illegal occupation of Timor by Indonesia, of part of Cyprus by Turkey, of South Lebanon, the West Bank, Gaza and the Golan by Israel.

126. Pax Christi International hoped that the Sub-Commission would continue to give attention to human rights in Iran and that it would extend the mandate of the Special Rapporteur. The increase in the number of executions was a cause for concern, particularly since the sentences were handed down without regard for the rights of those on trial. Another cause for concern were the assassinations carried out abroad, presumably by the Iranian secret service.

127. The commitments given by the Sudanese Government to the Sub-Commission and the Commission on Human Rights had unfortunately not been carried out and the military dictatorship was adding to the misfortunes of a people already suffering from famine.

128. In Myanmar the military dictatorship had frustrated the verdict of the electors, imprisoned and tortured its opponents and covered up criminal drug trafficking. It seemed proper that the Commission should approve a resolution calling for extremely severe economic sanctions against those who usurped power.

129. Once again, Pax Christi requested the United Nations to sponsor negotiations between the belligerents in Sri Lanka to re-establish peace and the respect for human rights that had been violated both by governmental forces and their opponents.

130. Given the dramatic situation of migrants and the increase in the numbers of asylum seekers, Pax Christi considered that development programmes for their countries of origin would avert an exodus of desperate peoples such as was happening in Albania.

131. The direct cost of the Gulf war had amounted to $61 billion, and had cost several more billions in damages: it had caused 200,000 deaths and had made several hundred thousand people into displaced persons. In addition to the suffering that could have been avoided, how much suffering could not have been relieved with such a sum?

The meeting rose at 12.55 p.m.